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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,313	12/27/2000	Kenneth Michael Bolam	EXT.462C1	5018
826	7590	10/16/2003	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			FRANK, RODNEY T	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,313

Applicant(s)

BOLAM ET AL.

Examiner

Rodney T. Frank

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-19 and 26-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract is too long and should be edited to more concisely describe the invention. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 17 recites the limitation "...with said sleeve" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: There appears to be no relationship with the second connector. There is an indicator for indicating the mode of operation associated with said first connector and

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the second connector includes a sensor for providing a signal indicative of the mode with the first connector as well. Is there no indicator for the second connector? Clarification is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims rejected under 35 U.S.C. 102(e) as being anticipated by Baum et al. (U.S. Patent Number 5,249,121; hereinafter referred to as Baum). Baum discloses a remote control unit for use with an ophthalmic surgical system having a main control console with video display screen and operator interface. The remote controller is connected by an electrical umbilical cord to the main console and provides a second operator display and membrane-switch interface for use by a surgeon or other member of the surgical team. This remote control unit has its own housing with a splash-resistant front face that is divided into primary and secondary operator interface panels. The primary panel includes a rectangular display field having a plurality of back-illumination lights

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for selectively illuminating legends found on a replaceable legend card that fits within a slot behind the face plates. Control functions corresponding to the illuminated legends may be selected or de-selected by pressing nearby switches arranged in locations adjacent to the display field. The secondary panel also contains membrane switches and legends illuminated by back-lighting. The remote console includes its own microcontroller which electronically receives information from and sends information to the main console via a serial communications interface. Through the use of replaceable legend cards, the remote console is capable of simulating surgical mode and procedure screens which are also displayed upon the CRT screen of the main console (Please see the Abstract).

9. Specifically with reference to claim 13, Baum discloses, and shows in figures 1A, 2, and 9-13 a universal connecting device (40) comprising a connector housing (90) adapted for mating with a variety of connectors having a designated mode of operation associated with the connector; and a sensor, operably mounted to said connector housing, for identifying the mode of operation associated with a connector mated to said connector housing, wherein said sensor provides a signal indicative of said mode of operation.

With regard to claim 14, the device further comprises an indicator operably attached to said connector for designating a predetermined mode of operation (see column 6 lines 42-52).

With further regard for claims 13 and 14, column 26 lines 17-42 disclose the use of a remote control console that when it's connector (item number 704 as disclosed in column 20 lines 29-35) is connected to it's mating connector (item number 706 as disclosed in column 20 lines 29-35) the console illuminates to indicate a particular mode of operation of the device.

With regard to claim 15, column 17 lines 1-5 disclose the use of a Hall Effect Switch as a sensing means of a mode of operation, in this case a cassette inserted mode.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 16-19 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al.

12. With reference to claim 26, the method for selecting a mode of operation from a plurality of operation modes by mating a connector to a processing device, providing an indication from the connector, sensing the indication, and configuring the process device to operate in the predetermined mode is disclosed.

With reference to claims 16 and 27, since the Hall device is disclosed, a magnetic signal to determine a mode is also disclosed. Further, column 11 lines 24-28 disclose the use of magnetic proximity switches to indicate pedals being pressed, thus a particular mode of operation being desired.

With reference to claims 17 and 28, the use of an optical signal to detect a condition is also disclosed. This is disclosed in column 17 lines 9-21 and column 19 lines 14-27.

With respect to claim 18, the use of connectors mated to each other to indicate a mode of operation is disclosed with reference to the mating connectors and console, as discussed above with reference to claims 13 and 14.

With respect to claim 29, the Baum reference discloses the use of pressure to determine an operation mode in column 7 lines 58-65.

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Conclusion


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hadden et al. (U.S. Patent Number 4,476,706) discloses a remote calibration system that utilizes sensing means to indicate various modes of operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney T. Frank whose telephone number is (703) 306-5717. The examiner can normally be reached on M-F 9am -5:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (703) 305-4705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

RTF
October 3, 2003


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800